

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY**

**BEFORE THE ADMINISTRATOR**

<b>In the matter of</b>	)	
	)	
<b>ISOCHEM North America, LLC,</b>	)	<b>Docket No. TSCA-02-2006-9143</b>
	)	
<b>Respondent</b>	)	

**ORDER**

The U.S. Environmental Protection Agency (“EPA”) moves to Supplement Its Initial Prehearing Exchange by adding Susan Sharkey, Chemical Engineer, Office of Pollution Prevention and Toxics, U.S. EPA, as a fact witness and Jonathan S. Shefftz, of Industrial Economics, as a financial expert witness. EPA also seeks to add the following exhibits to its exhibit list: (A) “ABEL” Analysis of Isochem North America, LLC (“Isochem”), (B) Financial statements of Isochem (previously named SNPE, LLC), (C) Consolidated tax returns for Isochem, and (D) the Curriculum Vitae of Jonathan S. Shefftz.

Isochem objects to Susan Sharkey’s proposed testimony to the extent that she might offer an opinion as to the “purpose” of the Toxic Substances Control Act (15 U.S.C. § 2601 *et seq.*) regulations. Respondent also objects to the listing of Jonathan Shefftz as an expert witness, arguing that he is not an expert on “ability to pay” and that, in any event, he has not produced an expert report setting forth the basis for his expected testimony. Resp. Opp. at 1-2. Finally, respondent objects to proposed exhibits of the ABEL Analysis of Isochem North America, LLC, and the Consolidated Tax Returns for Isochem North America, LLC, asserting that “neither of those documents pertains solely - or even primarily - to Isochem.” Opp. at 4.

EPA’s motion to supplement its Prehearing Exchange is *granted*. Respondent, however, may at the hearing renew its objections to the newly identified witnesses and exhibits.

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Carl C. Charneski  
Administrative Law Judge

Issued: November 22, 2006  
Washington, D.C.